

9 FAM 45.4 Notes

9 FAM 45.4 N1 Visa Validity

9 FAM 45.4 N1.1 Possible Extension Until January 1, 2001

(TL:VISA-45; 6-14-91)

An alien issued a visa under the provisions of section 124 of the Immigration Act of 1990, may request, either at the time of visa issuance or within four months thereafter, that the visa be extended until January 1, 2002. This extension does not mean "to a date between normal visa validity and January 1, 2002"; it means the visa must have the usual validity or that of January 1, 2002. The alien may, of course, use the visa to apply for admission at any time during its validity. If the alien does not request the extension at the time of visa issuance, but requests such extension four months later, the consular officer shall issue a replacement immigrant visa.

[See section 9 FAM 42.74(b).]

9 FAM 45.4 N1.2 Special Considerations Regarding Children

(TL:VISA-45; 6-14-91)

a. If the child elects to have his or her visa validity extended, entitlement to status shall not cease should such alien attain the age of twenty-one or marry prior to an application for admission into the United States. Consequently, the consular officer shall not limit the validity of a visa for an eligible child to the date before his or her 21st birthday nor require the completion of the Statement of a Marriageable Age Child, as would be customary.

b. The House Committee Report notes that it is intended a child born during the extended validity of a visa issued to a principal is also entitled to status.

c. INS regulation (8 CFR 211.1(a)(1)) provides for the entry, without a visa, of a child born subsequent to the issuance of a visa to the parent. [See 9 FAM 42.1(d).] It should not, therefore, be necessary to issue visas to such after-acquired children.

9 FAM 45.4 N2 Ensuring Alien's Understanding of Extended Validity

(TL:VISA-45; 6-14-91)

Consular officers must make clear the following two points to the applicant at the time of visa issuance:

(1) If an alien requests extension of the visa validity subsequent to the issuance of the original visa but within four months following the visa issuance, the consular officer shall issue a replacement visa bearing the extended expiration date rather than annotating the original visa. The alien must also pay another issuance fee.

(2) If the applicant opts for an extended validity visa, the alien must notify the consular office well in advance of departure and reestablish his or her admissibility to the United States. [See section 9 FAM 45.5.]

b. Consular officers must make both of these points not only in writing but orally at the time of visa issuance to ensure the applicant fully understands. [See section 9 FAM 42.73 PN3.]

9 FAM 45.4 N3 Section 154 Endorsement

(TL:VISA-45; 6-14-91)

An immigrant visa issued with extended validity under section 154 shall be endorsed at the time of issuance "Section 154 applies." This endorsement will signify not only to the visa recipient, but also to the INS port of entry inspector, that the alien is subject to the requirement for a redetermination of admissibility prior to travel to the United States. [See section 9 FAM 45.4 PN1.]

